

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EVGENIA PEKELNY,  
Plaintiff,

v.

EDEN MEDICAL CENTER, et al.,  
Defendants.

Case No. [4:19-cv-05617-KAW](#)

ORDER TERMINATING MOTION TO  
DISMISS

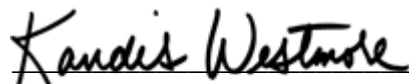
Re: Dkt. No. 12

On January 13, 2020, Defendants filed a motion to dismiss Plaintiff's initial complaint. (Dkt. No. 12.) On January 27, 2020, Plaintiffs filed an amended complaint. (Dkt. No. 16.)

Under Rule 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b). The amended complaint was filed fewer than 21 days after service of the 12(b)(6) motion. Accordingly, the Court terminates the pending motion to dismiss, as the operative complaint is now the amended complaint.

**IT IS SO ORDERED.**

Dated: January 29, 2020



KANDIS A. WESTMORE  
United States Magistrate Judge